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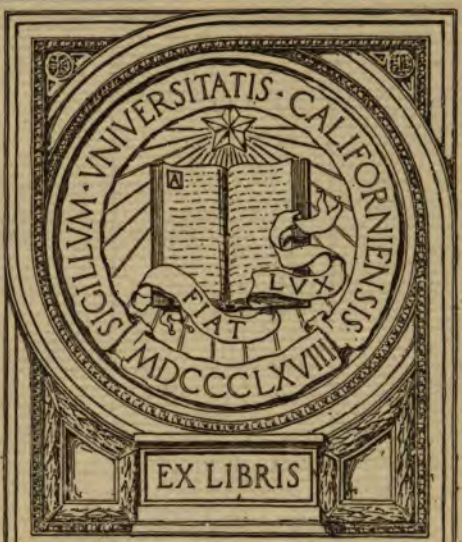
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UNITED STATES MUSTERING REGULATIONS

PROVIDING FOR THE MUSTER OF THE

ORGANIZED MILITIA

INTO AND OUT OF THE

MILITARY SERVICE OF THE UNITED STATES

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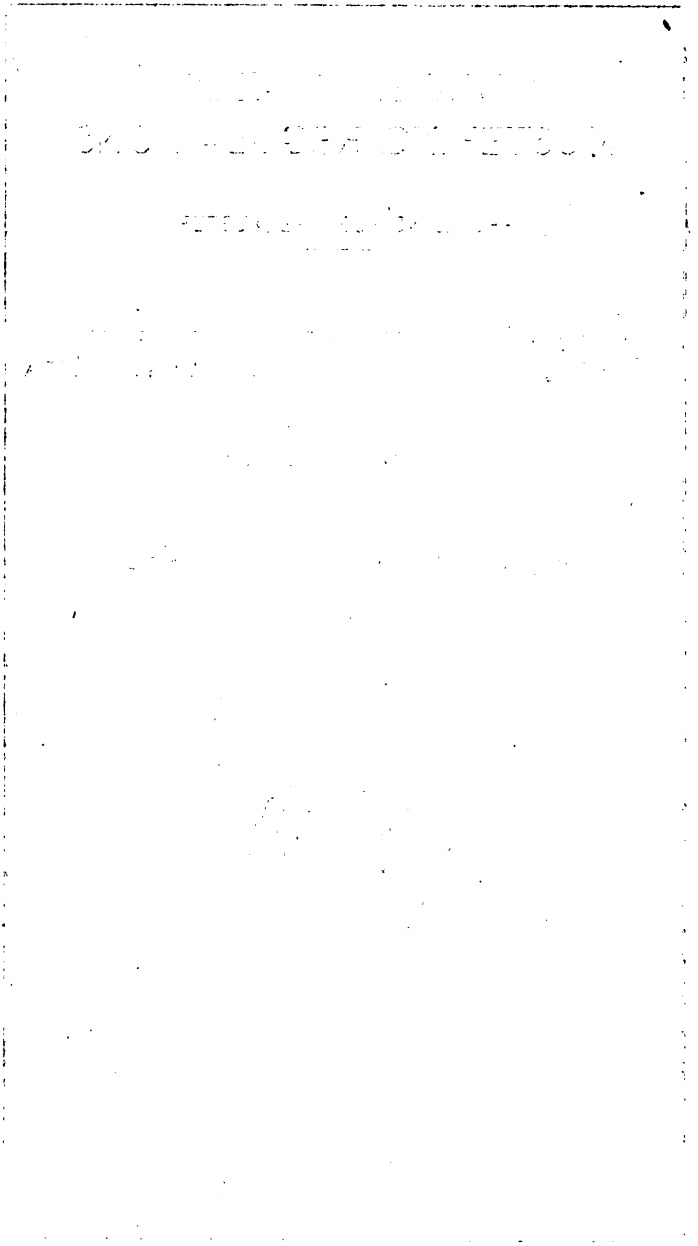

UNITED STATES MUSTERING REGULATIONS

FOR

MILITIA CALLED INTO THE MILITARY SERVICE OF THE UNITED STATES BY THE PRESIDENT.

I.

THE DETAIL OF MUSTERING OFFICERS AND GENERAL DIRECTIONS.

1. The term "militia" as used throughout the regulations includes within its meaning both the Organized and the Reserve Militia of the several States and Territories and the District of Columbia, as defined in the act of Congress approved May 27, 1908 (35 Stat., 399).

2. Whenever the President shall call forth the militia or any part thereof to be employed in the service of the United States, the War Department will detail the necessary officers of the Regular Army, either from the active or the retired list, to make the muster necessary to accept into service the militia called for. After officers of militia have been mustered into the service of the United States, they themselves will be eligible for mustering duty, but it is desirable that only experienced officers, preferably those of the Regular Army, shall be selected for such duty.

3. When the exigencies of the case shall so require, mustering districts will be established by the War Department, each district to consist of a State or subdivision thereof, or a convenient group of States and Territories or of parts of same, within which, at United States military posts, camps, State rendezvous, or other points previously designated by the War Department as places of mobilization, the militia called forth will be examined, organized, and mustered into the service of the United States.

4. For each mustering district so constituted, or for each designated place of mobilization if mustering districts are

not established, a chief mustering officer and the necessary assistant mustering officers, together with such officers of the Medical and other staff departments as may be required, will be detailed by the War Department.

5. The chief mustering officer of a State or mustering district or of a place of mobilization will direct and supervise the muster into or out of the service of the United States of all militia that may be designated for muster in or for muster out at rendezvous under his control; but the muster out of the United States service of regiments or other organizations of militia will not necessarily be ordered to take place at the post, camp, or rendezvous where mustered in. The selection of the place of muster out is within the discretion of the Secretary of War upon due consideration of the various interests involved.

6. Mustering officers are empowered to administer oaths in all matters pertaining to the muster of militia into and out of the United States service.

7. The employment, by chief mustering officers, of civilians as clerks and messengers is authorized only when competent enlisted men are not available, and the number of civilians thus employed, with the rate of compensation in each case, must have the approval of the Secretary of War.

8. Whenever office accommodations for chief mustering officers of States or mustering districts or of places of mobilization can not be obtained in United States or State public buildings, application for the hire of such accommodations should be made to the Quartermaster General of the Army.

9. Chief mustering officers of States or mustering districts or of places of mobilization are authorized to issue orders, "by order of the Secretary of War," for such journeys by themselves, their assistants and authorized civilian clerks, as are absolutely necessary to be made in the performance of the duties with which they are charged. In making such journeys, civilian clerks will be entitled to the transportation and allowances provided for civilian employees by Army Regulations.

10. A mustering officer may be detailed by the commanding officer of each tactical division or higher tactical unit, each separate brigade and each geographical department in which militia are serving. The officer so detailed at the headquarters of the highest tactical unit or geographical department headquarters will be designated as chief mustering officer and will supervise the duties of mustering officers at subordinate

headquarters, who will be designated as assistant mustering officers. The mustering officers for commands in the field are without authority, unless specially directed by the War Department, to organize, muster in, or muster out regiments or other bodies of militia.

11. Assistant mustering officers will furnish any information upon the subject of musters that properly may be required by officers or others within the command. Under direction of the chief mustering officer, they will exercise such supervision over the preparation of the periodical muster rolls and pay rolls and company and regimental returns, reports, enlistments, reenlistments, and books of record of militia in the United States service and in the command to which they are attached as may be necessary to secure current uniformity and accuracy in preparing papers and keeping records and to insure completeness in the individual histories of officers and enlisted men at the termination of their service.

12. Assistant mustering officers will, without delay, report the musters made by them to the chief mustering officer, forwarding to him one copy of each muster-in and muster-out roll and delivering one copy of each to the company or regimental commander concerned. The rolls thus transmitted to the chief mustering officer and the muster-in and muster-out rolls representing musters made by that official himself will be disposed of as prescribed in the instructions printed on the blank forms on which such musters are made.

13. The Quartermaster Corps is charged with the duty of providing facilities for the efficient police of camps established for the organization, muster in, or muster out of militia under such sanitary regulations as may be prescribed by the proper authority.

14. Whenever militia are to be mustered into the service of the United States The Adjutant General of the Army and heads of other bureaus of the War Department will forward to the proper mustering officers the necessary books and blanks for regimental and company administration. These books and blanks will be distributed by the mustering officers to the proper commanding and staff officers, with full and explicit explanations for their use.

15. In mustering into or out of the United States service separate or independent squadrons, battalions, troops, companies, and batteries, or fractional parts thereof, or organiza-

tions or detachments of staff corps, the regulations herein prescribed for regiments or lesser organizations will be observed as far as practicable.

16. Chief mustering officers and their assistants will preserve complete records of orders, correspondence, and all matters receiving their action and relating to individuals or organizations of militia. Upon being relieved they will submit detailed reports of their duties; and whenever a rendezvous is finally closed, or the detail of a mustering officer is discontinued, the administrative reports required and all official records of the mustering service at such rendezvous or headquarters will be forwarded to The Adjutant General of the Army.

II.

THE MUSTER IN OF MILITIA CALLED INTO THE SERVICE OF THE UNITED STATES.

17. The commissioned and enlisted strength, in the several grades, of regiments or lesser organizations of militia received into and maintained in the service of the United States will be as authorized by law or by the regulations made by the War Department, of which authorized strength mustering officers and all concerned will be kept duly advised by The Adjutant General of the Army. No commissioned officer or recruit in excess of the authorized maximum strength of such an organization will be mustered in or recognized.

18. An officer who is detailed to muster any force of militia into the service of the United States will, upon or before arriving at the place appointed in his instructions, communicate with the proper authority, generally the governor of the State to which said force pertains, for any information necessary to enable him to accomplish the muster, and before beginning the muster of any designated command into service he must be satisfied, unless otherwise directed, that the complement of acceptable officers and men for at least its authorized minimum strength is present or available.

19. Every officer and enlisted man of the militia who shall duly be called forth shall be mustered for service without further medical examination previous to such muster, except for those States and Territories or the District of Columbia which have not adopted the standard of medical examination prescribed for the Regular Army. In the case of those States and Territories or the District of Columbia which have not

adopted the standard of medical examination prescribed for the Regular Army, both officers and enlisted men shall be examined as follows before they are mustered into the United States service: They will be stripped of all clothing and then minutely examined, in the presence of the mustering officer, by a medical officer (from the Regular Army when practicable) detailed for that purpose to ascertain whether they have the physical qualifications necessary for the military service, reference being had to the length and character of the service for which they are called out. In the case of militia mustered in from those States and Territories or the District of Columbia which have adopted the standard of medical examination prescribed for the Regular Army, as soon as practicable after such muster in a physical examination shall be made of all officers and enlisted men by a medical officer of the Army detailed for the purpose, who shall note all cases of defect and cause the same to be entered in the case of each individual on the report of his physical examination, stating in each case whether the defect so noted existed prior to the muster in of the soldier.

Regimental surgeons and assistant surgeons of militia who have passed the prescribed physical examination will be mustered in without delay, if necessary, as provided in paragraph 22, to assist in the physical examination of officers and men of their own or other organizations as may be directed by the mustering officer.

Proper precautions will be taken to prevent fraudulent impersonations during or at any stage of such physical examinations. To this end the company, troop, battery, or detachment commander should be present to identify each man and witness his examination.

20. When there is no regular or militia medical officer available to conduct the required physical examination (see preceding paragraph) the mustering officer will engage the services of one or more civilian physicians of well-established character and ability at a rate of compensation not exceeding for each offiecr and man examined that prescribed by the Army Regulations governing the physical examination of recruits; the accounts for such services to be prepared upon blanks furnished by the Surgeon General of the Army. When the physicians thus employed are without military experience, the mustering officer will take unusual care that only suitable men are accepted.

21. No person will be mustered into the service of the United States as an officer of any organization of militia until he shall have presented to the proper mustering officer satisfactory evidence of appointment to his grade or rank from the authorized appointing power of the State, Territory, or District of Columbia to which the organization belongs.

22. During the organization of a regiment of militia for muster into the service of the United States, the adjutant, quartermaster, commissary, and, when absolutely necessary, the medical officers thereof may be mustered into service to aid in mustering in the regiment and for the prompt transaction of public business. The officers of a troop, battery, or company will not be mustered into service until its organization is complete, and then all the officers and enlisted men present for duty will be mustered in at the same time. In case of urgent necessity or of unusual delay in completing the organization of a regiment, field and staff officers of the regiment may be mustered into service upon the completion of the organization of companies, battalions, and regiments as follows:

Colonel and chaplain, when an entire regiment has been mustered in.

Lieutenant colonel, when six troops or companies or four batteries have been mustered in.

Majors, battalion adjutants, battalion quartermasters and commissaries, battalion sergeants major, and battalion quartermaster sergeants, one for every four troops or companies, or for every three batteries mustered in.

Other regimental commissioned and noncommissioned officers and the members of the band will not be mustered in until the organization of the regiment has been completed, except as to them, by the requisite musters into service.

The muster in of general officers and authorized members of their staff will be made only upon the completion of the muster in of the organization comprising their command.

The muster in of individuals or organizations will not be made on one date to date from or to take effect from any other date. (See par. 41.)

23. The record of the muster and acceptance of all organizations, detachments, and individuals of militia called and accepted into the United States service will be made on muster-in rolls. Forms Nos. 3, 4, and 5 (Organized Militia) to be sup-

plied by The Adjutant General of the Army. The muster or acceptance of such organizations, detachments, and individuals into the military service of the United States marks and is their induction into that service, and the muster-in roll is the evidence thereof.

24. I. The muster in of the militia from such States and Territories as have not adopted for enlistment the standard of medical examination prescribed for the Regular Army will be made in the following manner:

(a) The standard of physical examination for the muster in as militia in the Federal service is that prescribed for the Regular Army, and only the names of those officers and enlisted men who have passed such examination will appear on the muster-in roll. In the case, therefore, of those States which have not adopted the standard of medical examination prescribed for the Regular Army, the column "Qualified for Volunteer service, yes or no," will be filled in by the examining surgeon: "All eligible for service in the Volunteer Army."

(b) Before preparing the muster-in roll, an alphabetical list of the officers and enlisted men of the command will be prepared in duplicate on Form No. 1 (Organized Militia or Volunteers) and furnished the examining surgeon by the commanding officer.

(c) Upon the completion of the physical examination of the officers and enlisted men of the command, the examining surgeon will write on the lists so furnished him, opposite the name of each officer and enlisted man borne thereon, the words "Qualified," "Disqualified," or "Not examined," as the case may be, certify the same to be correct over his signature, return one copy to the commanding officer and the other copy to the mustering officer.

(d) From the list so furnished him the commanding officer, under the supervision of the mustering officer, will cause to be prepared the cards (Form No. 2, Organized Militia) necessary for the preparation of the muster-in roll. The cards containing the names only of those who have successfully passed the physical examination will be arranged, under the supervision of the mustering officer, in the order in which the names borne thereon are to appear on the muster-in roll. After the muster-in rolls have been completed, the muster made, and the rolls duly certified, the cards will be destroyed by the mustering officer. The rolls, when prepared, will be certified by the surgeon.

II. The militia from such States and Territories as shall have adopted for enlistment and reenlistment the standard of medical examination prescribed for the Regular Army shall be duly mustered into the service of the United States without prior physical examination, as follows:

(a) The commanding officer, under the supervision of the mustering officer, will cause to be prepared the cards (Form No. 2, Organized Militia) necessary for the preparation of the muster-in roll.

(b) The cards will be arranged, under the supervision of the mustering officer, in the order in which the names borne thereon are to appear on the muster-in roll. After the muster-in rolls have been completed, the muster made, and the rolls duly certified, the cards will be destroyed by the mustering officer.

(c) The column "Qualified for service in Volunteers, yes or no," on the muster-in roll, will not be filled out for States included in the class covered by paragraph 2 of these instructions.

(d) As soon as practicable after the muster in is completed a physical examination shall be made of all officers and enlisted men by a medical officer detailed for the purpose. For this purpose an alphabetical list in duplicate of the officers and enlisted men of the command will be prepared on Form 1 (Organized Militia or Volunteers) and furnished the examining surgeon by the company commander.

(e) Upon the completion of the physical examination of the officers and enlisted men of the command the examining surgeon will write on the lists so furnished him, opposite the name of each officer and enlisted man borne thereon, the words "Qualified," "Disqualified," or "Not examined," as the case may be, certify the same to be correct over his signature, return one copy to the commanding officer and the other copy to the mustering officer. The copy furnished the commanding officer will be retained by him as a part of the permanent records of his command and will be used in the preparation of the muster-in rolls for muster into the service as Volunteers.

25. Three copies of the muster-in roll will be made, and as soon as practicable after muster in the mustering officer will forward one copy to The Adjutant General of the Army and one copy to the adjutant general of the State to which the troops belong. The third copy will be delivered to the company or organization commander.

26. The caption and column headings of the muster-in roll and instructions for its preparation published thereon will be

minutely observed. Names will be legibly and neatly written and correctly spelled. The names of officers, noncommissioned officers, and those in grades other than that of private will have precedence on the roll in the order of rank, with not less than one blank line separating the several grades or classes, and will be written thus: John W. Smith, or John W. C. Smith, Privates are to be entered alphabetically, each beginning with the surname, viz, Smith, John W., or Smith, John W. C. For all individuals the first baptismal name will invariably be written in full and other names, if any, represented by initials, the styles of expression, Smith, J. William, or Smith, J. William C., or Smith, J. W. Charles, being inadmissible.

27. After the officers and men of a company who have successfully passed the physical examination have had their names properly entered on the muster-in rolls, the company will be formed in line, the men in the order, from right to left, in which their names appear on the roll, officers three paces in front of the center. The mustering officer, accompanied by the surgeon, after inspecting the captain and lieutenants, will place himself about 12 paces in front of the line, the captain near him and on his right to call the names. The senior lieutenant will face about and see that each man, when his name is called, personally answers in a tone to be heard distinctly by the mustering officer. At the instant of answering, the man will step off briskly to and in front of the mustering officer and pass on to join the next senior lieutenant, who, on ground previously selected, will re-form the company in the same order as before, with intervals of one pace between the grades, so that the number in each may be easily distinguished and counted.

28. When all the men have been called, the mustering officer, accompanied by the captain, will verify the numbers in the several grades and see that, together, they correspond with the whole number of names on the muster-in roll and agree with the prescribed organization. The mustering officer, having satisfied himself that all the officers and men of the company are fit for military service, will formally announce to them that they are accepted into the United States service. He will then direct them to uncover and raise their right hands, when, in a distinct voice and impressive manner, he will administer the following oath:

"All and each of you whose names are entered on this roll, having been duly accepted into the United States service as

commissioned officers or enlisted men of militia this ____ day _____, 19__, for the period of _____, unless sooner discharged by proper authority, do solemnly swear (or affirm) that you will bear true faith and allegiance to the United States of America; that you will serve them honestly and faithfully against all their enemies whomsoever; and that you will obey the orders of the President of the United States and the orders of the officers appointed over you according to the rules and Articles of War. So help you God."

29. The procedure prescribed in paragraphs 27 and 28 for the muster in of a company will be followed as nearly as may be in the muster in of the field, staff, and band of any organization, or of any troop, battery, or detachment.

30. The mustering officer will be careful that men from one company or detachment are not used to swell the ranks of another about to be mustered in. To this end he will, at the conclusion of the muster in of each squadron, battalion, or regiment, cause the entire force to be paraded for inspection and verification, and if deception or fraud is discovered to have been practiced he will immediately arrest the persons implicated and make full report of the facts to The Adjutant General of the Army.

31. Mustering officers will instruct the officers of militia commands mustered into service by them in the methods of official correspondence, the keeping of records, and the means of procuring, issuing, and accounting for military supplies, inviting particular attention to the provisions of Army Regulations bearing on the subject.

32. As soon as a regiment or other separate organization has been mustered into the service of the United States the mustering officer or his assistant, acting with a representative of the governor of the State or Territory or the commanding general of the District of Columbia Militia, will inventory and inspect all property belonging to the United States taken by such troops into the Federal service.

The governor or his representative at the mobilization camp or company rendezvous or the commanding general of the District of Columbia Militia will invoice all such United States property to the proper officer of the regiment or separate unit of organization less than a regiment as follows:

(a) All clothing, camp and garrison equipage, subsistence stores, and quartermaster's supplies to the quartermaster.

(b) All property belonging to the medical department to the senior medical officer.

(c) All property pertaining to the Corps of Engineers, the Ordnance Department, and the Signal Corps to an accounting officer detailed by the regimental or other commander of a separate organization from his staff.

Property pertaining to each department will be invoiced separately. The invoices and receipts will show the condition of the property as serviceable or unserviceable. The several officers hereinbefore specified will use the invoices received from the governor or his representative as vouchers for taking up such property on their returns, and they will furnish the usual receipts for the property received.

No clothing will be charged to enlisted men except that which may subsequently be supplied directly from time to time by the United States after muster in.

33. Any State or Territorial property of a standard pattern and quality needed for the equipment of the troops should be brought into the service of the United States as here provided for United States property.

34. No money value will be placed upon property taken into the Federal service under the provisions of the preceding two paragraphs, as a subsequent reimbursement to the State by property in kind (not money) is contemplated.

The expressions of condition to be made in effecting the transfer of property as provided in paragraphs 32 and 33 will be determined by the mustering officer, who, after careful inspection, will certify on each of the invoices and receipts, before they can become proper vouchers, that in his opinion the condition stated is just and equitable to the United States and to the State. This certificate should also be signed by the representative of the governor. Where questions arise as to the serviceability of property, they will be submitted to the senior mustering officer, whose decision will be final.

35. The horses of a mounted organization of militia, if owned by the State and meeting the requirements of the mounted service, may be transferred by the State to the United States as hereinbefore provided for other State property upon appraisal of the mustering officer, the valuation to be stated in the invoices and receipts. If such horses are owned by an organization mustered into the service of the United States, they may be purchased by the Quartermaster Corps for the organization;

otherwise, horses will be supplied by the Quartermaster Corps in the same manner as for troops of the permanent establishment. The use of private horses by enlisted men in the service is unauthorized by law.

36. Enlistment and reenlistment in organizations of the Organized Militia in the Federal service will be made in the manner provided for enlistment and reenlistment in the Regular Army, except that the term of enlistment shall be that prescribed by the laws of the State from which the organization was received. Enlistments and reenlistments will be made on Form No. 6 (Organized Militia) and after physical examination in accordance with the requirements for enlistment or reenlistment in the Regular Army.

37. After a regiment or other organization of militia has been mustered into the United States service, vacancies that exist or occur in its authorized commissioned strength will be filled by the muster in of officers who produce commissions or letters of appointment from the authorized appointing power of the State, Territory, or District of Columbia to which the organization pertains to fill such existing vacancies.

When the commission or letter of appointment is presented, the mustering officer will satisfy himself that a vacancy exists, in which case only can he make the muster in, and the muster-in roll must show, over the certificate of the mustering officer, that the vacancy existed, whether or not it was original, and if not original, how it occurred. Such musters in, when made before the command leaves the mustering district or State in which it was organized, will be made by a mustering officer of that district or State. After the command has left such district or State they will be made only by the proper mustering officer of the tactical unit or geographical department in which the command may be serving, unless the War Department in exceptional cases specially directs otherwise.

38. If an officer of militia, after muster into the United States service as such, receives and is duly mustered in under a commission or appointment to a higher grade in that service, such muster in operates to vacate his prior commission, and thus renders a formal muster out of the old grade unnecessary.

39. Enlisted men of militia already mustered into the United States service who receive commissions or appointments therein will not be mustered in as commissioned officers thereof until

they shall have been discharged from the United States service as enlisted men by competent authority.

40. When an officer or enlisted man of militia already mustered into the United States service receives a commission as of a higher grade and is not mustered in so as to appear on the next periodical muster roll as of the grade to which he has been newly commissioned or appointed, he will be mustered on such roll as of his actual grade at the time of muster, with a remark to the following effect:

"Received commission (or appointment) as _____ in the _____ Regiment of _____ Militia on the ____ day of _____, 19__; awaiting muster in since that date because (give reason why not mustered in)." This remark will be continued on the current muster rolls until the officer or enlisted man has been mustered into service as of the higher grade to which he has been commissioned.

41. No muster in, whether of an organization or individual officer or enlisted man of any grade, shall be made on one date to date from an earlier date. *Nunc pro tunc* musters in are illegal and ineffective in so far as they attempt to place an organization or individual in the United States service on or from a date prior to that on which the muster in is actually made.

42. Officers or enlisted men of different regiments of militia will not be mustered into the United States service on the same roll.

43. Corrections or alterations on muster-in rolls after muster in and before the rolls have been forwarded will not be made except with the approval of the mustering-in officer; nor will the copy retained with the records of an organization, the original having been transmitted to The Adjutant General of the Army, be changed in any particular without authority from the War Department.

III.

THE MUSTER OF MILITIA OUT OF THE SERVICE OF THE UNITED STATES.

44. All organizations of militia called and accepted into the United States service shall be mustered out of the same when the purposes for which they were called shall have been accomplished or their services are no longer required. The muster

out of organizations will take place at such posts or rendezvous as may be selected by the Secretary of War. (See par. 5.)

45. Commanding officers in the field or elsewhere, upon the receipt of orders directing an organization of militia to proceed to a rendezvous for muster out, will take immediate measures to cause the return to it of all absentees, except such as may be absolutely unable to join on account of sickness or capture by the enemy, those held to await trial by general or special court-martial, those undergoing sentences of confinement imposed by general courts-martial, and those who may be retained in service under special authority of the Secretary of War. (See pars. 63 and 66.)

46. When an organization of militia is ordered to be discharged from the United States service, the assistant mustering officer on duty with the command to which it belongs will at once carefully inspect its records with reference to their being fully completed and finally closed, causing errors to be corrected and omissions supplied; and he will impress upon officers accountable for public funds or property of any kind the importance of being prepared to close their returns of the same without delay. He will also, by personal inspection, see that correct descriptive lists and accounts of pay and clothing are furnished to the officers, under whose immediate command the men may be, for all enlisted men, both present and absent, who, by reason of sickness, are unable to join and travel with the command to the muster-out rendezvous. He will also require the medical officers of such organization to render at once to the Surgeon General of the Army such monthly reports of sick and wounded as they may have failed for any cause to forward at the time such reports were due. He will also require to be made a complete list of all absentees (officers and men who do not, for any reason, proceed with the organization to the rendezvous for discharge), with their addresses, so far as known, together with a statement of the cause and period of absence and authority therefor, the list to be delivered to the mustering officer at the rendezvous where the organization is to be mustered out of service.

47. When a regiment or other organization of militia is designated for muster out at an appointed rendezvous, the commanding officer of such regiment or other organization, to facilitate its prompt discharge upon arrival at the rendezvous, will at once select an officer specially qualified, who, under

instructions of the proper assistant mustering officer (par. 11) and the supervision of such commanding officer, will direct the collection and arrangement of data for a rough copy of each muster-out roll. Before departure of the organization for, and if necessary while it is en route to, the muster-out rendezvous these rough copies will be made as nearly complete as possible, particular reference being had to the full and accurate information necessary in the preparation of the muster-out rolls. Upon arrival at the rendezvous the organization will be reported to and taken control of by the chief or senior mustering officer on duty at the rendezvous, and when the date for discharge has been fixed the fair and final copies of the muster-out rolls will be made without delay under direction of the mustering officer ordered to muster the organization out of service.

48. Officers or enlisted men of different regiments will not be mustered out on the same roll.

49. Five copies of the muster-out roll will be made. One copy will be forwarded by the mustering officer without unnecessary delay to The Adjutant General of the Army, and one copy will be filed with the records of the organization, to be forwarded later with such records to The Adjutant General of the Army under the provisions of paragraph 61 of these regulations. Two copies will be prepared for the use of the paymaster by whom the final payment will be made. The fifth copy will be forwarded by the mustering officer to the adjutant general of the State from which the troops came.

50. When the muster-out rolls have been completed, they will be examined carefully, under the supervision of the mustering officer, by a board of officers to be appointed by the commanding officer. The board will be furnished with the retained copy of the muster-in roll and with the subsequent muster rolls, together with such descriptive lists and other records as are essential to verify by comparison and insure the correctness in all respects of the muster-out rolls.

51. To facilitate the settlement of claims for pensions that may be made on account of disabilities incurred in the military service and to establish the rights of persons who may be entitled to the benefits of the pension laws, as well as to protect the interests of the United States, a thorough physical examination will be made of all officers and enlisted men of militia immediately prior to their discharge from or muster

out of the United States service. The report of the examination in each individual case will be recorded on the prescribed blank form. The reports of such physical examination will be forwarded to The Adjutant General of the Army with the muster-out rolls on which the names of the individuals appear. In the cases of absentees mustered out with their organizations (see par. 65), the physical examination herein prescribed will be had when practicable, but such absentees shall not be held in service beyond the date fixed for their muster out solely for the purpose of such physical examination. If to avoid so holding them, or for other sufficient reasons, the physical examination is omitted, a notation to that effect will be made on the muster-out rolls.

52. Chief mustering officers will make timely application to The Adjutant General of the Army for the detail of medical officers of the Regular Army or of the militia or volunteer staff to make the physical examinations herein prescribed.

53. Any officer or enlisted man, examined as before prescribed, who claims to have a disability of which the medical officer can find no evidence, or claims disability incurred in line of duty whereas the medical officer is of the opinion that the disability was not so incurred, shall have his claim further inquired into by a board composed, if practicable, of two medical officers other than the officer who made the original examination (one such medical officer to act when necessary), to be convened by the mustering officer, the finding of the board to be indorsed on the examination paper; and when medical officers are not available to compose the board, the mustering officer will himself make the required investigation and note upon the examination paper his concurrence in, or in what respect he disagrees with, the finding of the examining surgeon. Any officer or enlisted man may waive the right to such reexamination, in which case he shall certify upon the examination paper that he waives such right and is entirely satisfied with and acquiesces in the finding of the examining surgeon.

54. Officers of militia in the actual service of the United States who at any time during the period of such service have been accountable for United States funds or property of any description must settle their accountability and obtain certificates of nonindebtedness before they can receive final payment. Mustering officers will therefore forward at once to the

Quartermaster General of the Army and to the Chief of the Division of Bookkeeping and Warrants, Treasury Department, complete lists of all the officers of militia organizations to be mustered out, noting on the list for the Treasury Department what officers have had money accountability. They will also forward to the Quartermaster General, Surgeon General, Chief of Engineers, Chief of Ordnance, and Chief Signal Officer, respectively, lists of those officers who are or at any time have been accountable for public funds or property to any of those bureaus of the War Department. The chiefs of those bureaus will cause immediate examination of returns to be made and will communicate the result thereof to the Quartermaster General of the Army.

55. An officer of militia who has not at any time been accountable for United States funds or property will be required to furnish the mustering officer with his affidavit to that effect, certified to by his commanding officer, which, with the no-stoppage certificate of the Quartermaster General of the Army and clearance certificate from the Chief of the Division of Bookkeeping and Warrants, Treasury Department, shall be accepted as sufficient evidence to warrant his final payment on discharge from the United States service.

56. An officer of militia with accountability to certain bureaus of the War Department but not to others must obtain certificates of nonindebtedness to the United States from the bureaus to which accountable, which, with his affidavit covering nonaccountability to the others and the no-stoppage and clearance certificates described in the preceding paragraph, will entitle him to final payment on discharge from the United States service.

57. Officers of the militia will not be retained in service beyond the date of the muster out of their organizations for the purpose of completing their accounts and returns, nor to await settlement of their accounts, but they may be paid upon discharge from the United States service the travel allowances due them.

58. As soon as a regiment or other separate organization reaches its muster-out rendezvous the mustering officer or his assistant, acting with a representative of the governor of the State or Territory or the commanding general of the District of Columbia Militia, will inventory and inspect all property belonging to the United States and to be taken by such troops

into the State service. The accountable United States officer will invoice all such property to the governor of the State to which the Organized Militia belongs, or to the commanding general of the District of Columbia Militia, as the case may be. Property pertaining to each department will be invoiced separately. The invoices and receipts will show the condition of the property as serviceable or unserviceable. No unserviceable property will be taken into the State service; such property will be acted upon by inspectors. For this purpose mustering officers are authorized to act as inspectors of property submitted to them for condemnation for which organizations of militia ordered to be mustered out of the service are accountable, and they are empowered to order, "by order of the Secretary of War," final disposition to be made of the property condemned by them, subject to the limitation imposed by the Army Regulations on commanding officers.

59. Officers of the staff departments detailed for duty at the rendezvous as provided in paragraph 4 will receive, receipt for, and dispose of the United States property in possession of organizations of militia leaving the service and not invoiced to the governor of the State or the commanding general, District of Columbia Militia, as may be directed by the chiefs of their respective departments. Similarly, they will receipt and account for all United States funds as may be directed by the chiefs of the respective departments. They will supervise, as far as practicable, the preparation of final returns for property and funds in order to facilitate closing, with the least possible delay, the accountability of the militia officers concerned. The procedure herein contemplated is a reimbursement *in kind* to the State, as near as may be, for the property taken into the service of the United States by the organization now being mustered out.

60. The several staff departments of the Army will continue to furnish militia troops being mustered out with needful supplies until the date of discharge and final payment.

61. All regimental and company records and papers, such as letters and telegrams received, files of letters received and sent, files of general and special orders and circulars, guard reports, morning reports, descriptive lists, military records and statements of accounts, sick reports, retained copies of rolls and returns, and regimental and company books and files of every description relating to the military affairs of any organization

of militia or of individuals belonging to it, or to the disabilities and medical or surgical treatment of officers and enlisted men thereof, during and covering the period beginning with the muster into and ending with the muster out of the United States service of such militia organization, are the property of the United States and will be required by the War Department for use in the settlement of claims against the Government and for other purposes. No military or medical record or document whatever, of the character referred to herein, is the property of the militia organization or the personal property of any individual.

The officer who musters out such organization will see that all of its records and papers described in this paragraph are securely packed, boxed, and labeled, and sent by express to The Adjutant General of the Army as soon as possible after the muster out of the organization.

62. All officers of militia while awaiting with their commands discharge and payment at muster-out rendezvous will be held to a strict accountability for the discipline of their commands and the preservation of public property. Mustering officers are required to prefer charges against those militia officers who at such rendezvous fail to take adequate measures to protect the United States against loss of property or neglect to hold their commands under proper discipline.

63. The muster out of the service of the United States of a regiment or other independent organization of militia discharges from the service of the United States, on the date of such muster out, all officers and enlisted men who on said date belong to such regiment or organization, including all absentees except prisoners of war, deserters, those held to await trial by court-martial, those held for transfer to and service in other organizations of militia in the United States service to complete unexpired terms or to make good time lost by desertion, and those who may be retained temporarily in the service under special authority of the Secretary of War.

64. No muster out or discharge, whether of an organization or individual officer or enlisted man of any grade, shall be made on one date to date from an earlier date. *Nunc pro tunc* musters out and discharges are illegal and ineffective in so far as they purport to separate an organization or individual from the United States service on or from a date prior to that on which the muster out or discharge is actually made.

65. The absentees from an organization of militia who are required to be mustered out with it include:

FIRST.—All absent enlisted men, not exempted from muster out with their organization under the provisions of paragraph 63, who are unable to join it for muster out and who are under the control of post commanders, surgeons, or other officers having possession of their descriptive lists.

With respect to this class of absentees the following instructions will govern:

As soon as the date for the muster out of the organization has been determined the proper mustering officer will notify the commanding officers of these absentees of the time when such muster out is to take place. Immediately upon receipt of such notice, the commanding officers named will notify the absentees of the time that such muster out is to take place and will forward the descriptive lists in their possession or under their control to the mustering officer by whom the muster out is to be made, accompanied with reports of the prescribed physical examination in all cases in which it is practicable to make such examination. (See par. 51.) The discharge certificates and final statements of these absentees, the discharges being of the date of the muster out of the organization, will be prepared under the direction of the mustering-out officer, who will forward them without unnecessary delay, with the descriptive lists and a statement in each case of the last known address of the soldier, to The Adjutant General of the Army, noting on the organization muster-out roll the fact that the discharge certificates and final statements have been so forwarded. The Adjutant General of the Army, upon receipt of the discharges and final statements, will take measures for the proper disposition of them.

SECOND.—All absent enlisted men, not exempted from muster out with their organizations and *not* under the control of officers having their descriptive lists; also all absent officers who are similarly not exempted from muster out with their organizations.

The absent officers and enlisted men described under this head will be notified individually by the mustering-out officer, at the earliest possible date, of the date on which they will be mustered out with their organizations, and in the cases of those who do not join for muster out the dates of such notifications will be recorded on the muster-out rolls. Discharge

certificates for these absentees, the discharges all being of the date of the muster out of the organization, will be prepared, and the discharge certificates of those of them who are not present on the date of muster out, with final statements for the enlisted men, will be forwarded by the mustering-out officer with the least possible delay to The Adjutant General of the Army. Those whose discharges and final statements have been thus forwarded will be notified to apply to The Adjutant General of the Army for their discharge papers and instructions as to the mode of procuring the pay due them.

66. An enlisted man of militia who, at the time of the muster out of his organization, is in confinement under sentence of a general or special court-martial which does not provide for dishonorable discharge will be discharged honorably or without honor on the date of such muster out, but will be held to serve out his confinement as required by the Army Regulations. The mustering-out officer will send the discharge certificate, and also final statements if there be anything due the soldier, to the proper commanding officer for delivery to the man upon his release from confinement. When such enlisted man is, at the time of the muster out of his organization, serving a sentence of confinement adjudged by an inferior court-martial, he will be mustered out regularly with his organization, but will not be held after the date of the muster out to serve the unexecuted confinement. If the man is not present with his organization on the date of its muster out, the mustering-out officer will prepare and forward his discharge certificate and final statements as required by paragraph 65 of these regulations.

67. Deserters from militia organizations who desert after muster or acceptance into the United States service are subject to arrest and to trial by general court-martial at any time prior to the muster out of the entire militia force of which those organizations form or formed a part; but after the whole of that force has been mustered out of the United States service, the deserters herein described who are at large will not be taken into custody or under military control, either by acceptance of their surrender or otherwise, and no certificates of discharge of any kind will be issued to them.

When it is found impracticable to bring to trial deserters from militia organizations that are being prepared for muster out, such deserters will not be taken into custody or under

military control either by acceptance of their surrender or otherwise; no change on the muster roll or other record will be made with regard to them, and no certificates of discharge of any kind will be issued to them. Those who may claim that the charges of desertion standing against them are erroneous or unfounded will be advised to submit to The Adjutant General of the Army written statements, under oath, of the facts in their respective cases, together with such corroborative testimony, also under oath, as they may be able to obtain. Mustering officers having cognizance of such cases will, whenever they have reason to believe that the charge of desertion has been erroneously or improperly made in any of such cases, make special reports thereon to The Adjutant General of the Army.

It is to be understood that the deserters herein referred to shall be brought to trial for their desertions whenever it is practicable to do so, and that such trials shall be deemed impracticable only when for good and sufficient reasons they can not be had without delaying the muster out of the organizations to which such deserters belong or of other organizations of the militia force in the United States service.

This regulation shall not be construed as affecting the status of general prisoners of the militia under sentence of general courts-martial for desertion or other offenses. Such general prisoners remain liable to the full execution of their sentences notwithstanding the muster out of the United States service of the militia force to which they belonged.

68. Discharge certificates will be prepared, under direction of the mustering officer by whom an organization of militia is mustered out of service, for every officer and enlisted man thereof both present and absent except for those who are exempt from muster out with the organization under the provisions of paragraph 63 of these regulations.

69. When a regiment or other organization of militia is ordered mustered out of service the Quartermaster General of the Army, having been duly notified of the place of discharge, will provide for its final payment. The final payment will be made to include the date of muster out and as far as practicable will be made on that date. The officer who is to make it will confer with the mustering officer as to the time necessary to prepare the rolls. Mustering officers are enjoined to exercise great care in fixing the dates for the muster out of organizations in order that the work to be done may be accom-

plished on the dates determined without embarrassing delays, which may be avoided by systematic and well-considered arrangements made in advance.

70. Paymasters engaged in paying mustered-out organizations of militia will endeavor to make such payments as nearly complete as possible by settling as far as practicable all arrears of whatever nature due the individual or the United States and by paying everyone appearing on the rolls as clearly entitled to pay. But at the same time they will exercise the greatest care to avoid overpayments, as such errors are difficult of correction and losses resulting therefrom may fall upon the officers who make the overpayments. They will hold the rolls open as long as may be practicable in order that absentees who are entitled to be paid thereon may be paid, either in person or by attorney, before the rolls are finally closed.

71. The discharge certificates of a regiment or lesser independent organization of militia mustered out of the United States service will be signed by the commanding officer of such regiment or organization for all officers thereof except himself; by the adjutant for the noncommissioned staff and band; by company commanders for the enlisted men of their companies; and by the chief mustering officer for the commanding officer. All the discharge certificates will be countersigned by the mustering officer discharging the regiment or organization.

72. On the day appointed for the muster out of an organization of militia, it will be paraded and the mustering officer will cause the names of all officers and enlisted men belonging thereto to be called, requiring those present to answer and step off to the front or a flank, re-forming the organization in its original order. The organization will then be marched to the pay table where its commander, provided with a copy of the muster-out pay roll, will deliver to each individual his proper discharge certificate as he presents himself for final payment, the paying officer having previously indorsed thereon the fact of such payment as required by the Army Regulations.

73. When organizations of militia are mustered out of the United States service final statements will not be prepared for the enlisted men who receive final payment on muster-out pay rolls of the organizations. These pay rolls take the place of final statements in the cases of men so paid. For the cases of discharged absentees, in which final statements are required, see paragraphs 65 and 66.

74. Corrections or alterations will not be made on muster-out rolls after muster out and before the rolls have been forwarded except with the approval of the mustering-out officer; nor will the copies retained with the records of an organization, the originals having been transmitted to The Adjutant General of the Army, be changed in any particular without authority from the War Department.

75. The discharge of a commissioned officer of militia, while in the military service of the United States, in orders issued by competent authority is in itself a complete muster out of and discharge from that service. Muster-out rolls are not to be furnished nor will discharge certificates be issued in such cases.

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